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Pat. Amended-B  
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ATTORNEY DOCKET NUMBER: P0738/7001/ERP/KA  
Express Mail Label No.: EL844633621US  
Date of Deposit: August 21, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Richard T. Lee, et al.  
Serial No. Not Yet Assigned  
Filed: August 21, 2000  
For: DIAGNOSIS AND TREATMENT OF CARDIOVASCULAR  
CONDITIONS  
Examiner: Not Yet Assigned  
Art Unit: Not Yet Assigned

BOX PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Sir:

PRELIMINARY AMENDMENT

Before calculating the fees, please amend the above-identified application as follows:

In the claims:

Please cancel claims 5-7, 13-14, 16, 18-19, 21-30, 33-38, 40-43, 45-47, 49, 51, 53, 58-62, 64-67, 69-70, and 73-78.

Please amend claims 8, 12, 15 and 17 as follows:

8. (Amended) An expression vector comprising the isolated nucleic acid molecule of claim 1, operably linked to a promoter.

12. (Amended) An isolated polypeptide encoded by a nucleic acid molecule of claim 1, wherein the polypeptide, or fragment of the polypeptide, has cardiac cell anti-apoptotic activity.

15. (Amended) An isolated polypeptide encoded by a nucleic acid molecule of claim 1, wherein the polypeptide, or fragment of the polypeptide, is immunogenic.

17. (Amended) An isolated binding polypeptide which binds selectively a polypeptide encoded by an isolated nucleic acid molecule of claim 1.

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## BEST AVAILABLE COPY

Serial No. Not Yet Assigned File No. P0738/7001 By: ERP/KA/eqs

Title: Diagnosis and Treatment of Cardiovascular Conditions

Application of: Richard T Lee, et al WGS Date: \_\_\_\_\_

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

<input checked="" type="checkbox"/> Mailing by Express Mail (37 CFR 1.10) Express Mail Label No. <u>ELV4535521 US</u> <input checked="" type="checkbox"/> Patent Application <input checked="" type="checkbox"/> Non-provisional <input type="checkbox"/> Provisional Incl. <u>36</u> pages, ( <u>85</u> pgs) Specification ( <u>1</u> pgs) Abstract, ( <u>11</u> pgs) Claims ( <u>18</u> # claims) <input type="checkbox"/> Design Patent Application <input type="checkbox"/> Declaration(s) <input checked="" type="checkbox"/> Drawings <u>2</u> Sheet(s) (FIGS. <u>1</u> ) <input checked="" type="checkbox"/> Formal <input type="checkbox"/> Informal <input checked="" type="checkbox"/> Utility Patent Application Transmittal Fee calculation sheet (x2) CPA Transmittal Verified Statement claiming small entity status Assignment and Cover Sheet	<input type="checkbox"/> Provisional Application Cover Sheet <input type="checkbox"/> Multiple Dependent Claim Fee Sheet <input type="checkbox"/> Inf. Disc. Statement, PTO Form 1449 <input type="checkbox"/> References Cited <input type="checkbox"/> Priority Document(s) # _____ <input type="checkbox"/> Copy of Notice to File Missing Parts <input checked="" type="checkbox"/> Amendment/Response <u>Preliminary</u> <input type="checkbox"/> Petition for Ext. of Time (x2) <input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Official Draftsperson <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Brief (x3) <input type="checkbox"/> Check for \$ _____ Check # _____ <input checked="" type="checkbox"/> Transmittal Letter (x2) <input checked="" type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a)
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Wolf, Greenfield & Sacks, P.C.

Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, Massachusetts 02210  
(617) 720-3500

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**F A X C O V E R**

\*\*\*\*\*OFFICIAL FAX\*\*\*\*\*

**Date:** March 5, 2003 **Number of pages** (including cover): 8  
**To:** Examiner Zachariah Lucas, U.S. Patent and Trademark Office  
**Fax No.:** 703-746-8480  
**Serial No.:** 09/934,249  
**Title:** DIAGNOSIS AND TREATMENT OF CARDIOVASCULAR CONDITION  
**From:** Janice A. Vatland, Ph.D.  
**Direct dial:** 617.573.7861  
**Our File #:** P00738.70001.US

**CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being transmitted via facsimile to the attention of Examiner Zachariah Lucas, FAX number 703-746-8480, at the United States Patent and Trademark Office, Washington, D.C. 20231, in accordance with 37 C.F.R. §1.6(d), on the 5th day of March, 2003.

  
Janice A. Vatland, Reg. No. 52,318

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**MESSAGE:** Transmitted herewith are Letter to Examiner and copies of the Preliminary Amendment and return receipt postcard.

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DOCKET NO: P00738.70001.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Richard T. Lee, et al.  
Serial No: 09/934,249  
Confirmation No: 6506  
Filed: August 21, 2001  
For: DIAGNOSIS AND TREATMENT OF  
CARDIOVASCULAR CONDITIONS  
Examiner: Lucas, Zachariah  
Art Unit: 1648

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Janice A. Vatland, Reg. No. 52,318

**Fax Number 703-746-8480**  
Commissioner for Patents  
Washington, D.C. 20231

LETTER TO THE EXAMINER

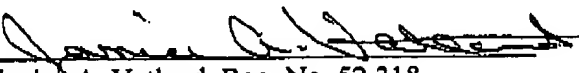
Sir:

Thank you for drawing to our attention that the preliminary amendment sent by us to the USPTO on August 21, 2001 was not recorded as being received.

We are now providing copies to you of the preliminary amendment and the return receipt postcard indicating the preliminary amendment was received on August 21, 2001.

Please feel free to contact us with any questions. Thank you again.

Respectfully submitted,  
Richard T. Lee, et al., *Applicants*

By:   
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Docket No. P00738.70001.US  
Date: March 5, 2003  
**XNDDX**